IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 28807 of 2007(D)

PETITIONER:

M.SREEDHARAN, AGED 43 YEARS,
S/O.MURALI, EXCISE GUARD,
EXCISE RANGE OFFICER, KUMBLA,
KASARAGOD.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

1. ASSISTANT EXCISE COMMISSIONER,
KASARAGOD.

2. COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

3. SECRETARY TO GOVERNMENT
TAXES (T) DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.28807 of 2007 H

Dated this the 28th day of September, 2007.

JUDGMENT

The petitioner is an Excise guard in the Department of Excise now working in Kasaragod District. He aspires for promotion to the post of Preventive Officer. There is a vigilance case pending against the petitioner. The said case is not over, so far. According to the petitioner, the post of Preventive Officer is a non-selection post and and therefore, pendency of vigilance case is irrelevant in the matter of considering his case for promotion to the post of Preventive Officer. That has not been considered. Hence this writ petition.

2. I heard learned counsel for the petitioner and the learned Government Pleader.

3. The writ petition is disposed of in the following lines:

(i) The petitioner shall file a representation indicating these aspects before the 2nd

respondent, Commissioner of Excise, within a period of three weeks from the date of receipt of a copy of this judgment.

(ii) The 2nd respondent shall take a decision on such representation after hearing the petitioner, in accordance with law and also referring to Ext.P2 judgment, within a period of two months from the date of receipt of a copy of this judgment.

Sd/-

(V.GIRI)

JUDGE

sk/

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